

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7740 of 1991

with

SPECIAL CIVIL APPLICATION No 8142 of 1991

with

SPECIAL CIVIL APPLICATIONS NO.7842 TO 7894 ALL OF 1991

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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VD KUKAVNI

Versus

STATE OF GUJARAT

Appearance:

MR S TRIPATHY for Petitioners
MR DA BAMBHANIA with Mr.U.A.Trivedi &
Mr.M.A.Bukhari, LAGPs for the Respondent

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 30/03/98

ORAL JUDGEMENT (Per K.G.Balakrishnan,J.)

The petitioners are working in Food and Civil Supplies Department in the cadre of Chief Supply Inspector, Supply Aval Karkun, Supply Accountant, Chief Supply Inspector, Zonal Officers. Originally, they were drawing the scale of pay 425-800. It was subsequently revised to 1200-2040. The contention of the petitioners is that they are entitled to get the scale of pay applicable to Deputy Mamlatdars working in the Revenue

Department. The Deputy Mamlatdars of the Revenue Department were in the scale of 425-800. Their scale was raised to 1400-2600 and by subsequent order, their scale was further enhanced to Rs.1640-2900. The petitioners have raised several contentions in the Special Civil Applications alleging that they are entitled to be treated as Deputy Mamlatdar of the Revenue Department. It is submitted by the petitioners' Counsel that in the Food and Civil Supplies Department, they are initially recruited as Clerks and they are promoted as Senior Clerk and in order to reach the post of Sr.Clerk, they have to pass departmental test and for further promotion as Aval Karkun, they have to clear Civil Supplies Qualifying Examination. Therefore, it is argued that, their pay has to be put above the pay scale of Senior Clerk. It is further pointed out by the petitioners' Counsel that while accepting the 4th Pay Commission all other similar Officers drawing the scale of pay of Rs.425-800 were placed in the scale of pay of 1400-2600 and our attention was drawn to the post of Head-Clerk in the Office of the Director, Sugar, Deputy Accountant/Dy. Auditor in the office of the Director of Accounts and Treasuries and Head Clerk of Director of Civil Supplies (Accounts). It is argued that only the posts of Supply Aval Karkun, Chief Supply Inspector, Zonal Officers, Supply Accountant, Zonal Officer & Supply Inspector were degraded by Annexure S, order. This according to the petitioners is illegal and there is violation of principles embodied in Article 14 of the Constitution of India.

2. On behalf of the respondent-State, an affidavit-in-reply is filed where it is stated that the post of Supply Aval Karkun cannot be equated to Deputy Mamlatdar and it could only be equated to the post of Sr.Clerk.

3. We heard the petitioners' Counsel and ld.Assistant Government Pleaders. The Counsel for the petitioners pointed out that in the office of the Controller of Food and Civil Supplies, there are posts of Senior Clerk and they are drawing the scale of pay of Rs.1200-2040 and therefore, the petitioners are certainly entitled to get higher scale. The learned Counsel further says that the post of Aval Karkun is interchangeable with the Deputy Mamlatdar and at present the District Collector is the controlling Officer effecting transfers of employees like petitioners.

4. Having regard to the facts, and circumstances of the case, the contentions raised by the petitioners are

to be considered by an expert committee. In the affidavit-in-reply filed by the respondent itself, it is mentioned that on acceptance of the 5th Pay Commission Report, anomalies existed in the pay-scale would be rectified and the petitioners would be at liberty to file a representation to ventilate their grievances.

5. In the result, we direct the petitioners to submit a representation to the respondent within a month and on receipt of such representation, respondent shall consider the same and pass appropriate orders within a period of 3 months from the date of receipt of the representation. The petitioners are at liberty to enclose a copy of the Special Civil Application along with the representation for consideration of the respondent.

6. The petition is disposed of accordingly. Rule is discharged with no order as to costs.
